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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

70756 MAG

UNITED STATES OF AMERICA,

v.

CHRISTOPHER CONWAY,

Defendant.

No: CR 4:11-70765 MAG

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE ARRAIGNMENT DATE BY
FIVE DAYS

This case is currently set for arraignment on October 7, 2011. The parties are working on a resolution of this case, and the United States requires three additional business days to obtain the necessary approvals for the proposed information and settlement. The defense has agreed to this continuance.

The parties therefore stipulate and ask the Court to order that the arraignment currently scheduled for Friday, October 7, 2011, be continued until next Wednesday, October 12, 2011.

The parties further stipulate that the time between October 7 and 12, 2011, be excluded from the Speedy Trial Act calculations for effective preparation of defense counsel. The parties agree that

granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The parties further agree that for the same reason, the time for arraignment under Fed. R. Crim P. 5.1 should be extended by five days.

SO STIPULATED:

MELINDA HAAG
United States Attorney

10/5/2011
DATED: _____

/s/

OWEN P. MARTIKAN
Assistant United States Attorney

10/5/2011
DATED: _____

/s/

ELLEN LEONIDA
Attorney for Christopher Conway

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulations and for good cause shown, the Court hereby continues the arraignment in this matter from Friday, October 7, 2011, until Wednesday, October 12, 2011. The Court also concludes that an exclusion of time is warranted from October 7, 2011, until October 12, 2011, because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial, and the failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation and for continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(8)(B)(iv). For the same reason, the Court concludes that the time for arraignment under Fed. R. Crim. P. 5.1 shall be extended by five days.

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1 SO ORDERED.

2 DATED: October 6, 2011



3 LAUREL BEELER

4 United States Magistrate Judge